

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Adjourned Meeting  
May 11, 2004

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, May 11, 2004, in the East Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

**WORK SESSION**

**YORKTOWN FOUNDATION—WATERFRONT STATUE PROPOSAL**

Mr. Paul Garman, representing the Yorktown Foundation, indicated the Foundation is interested in doing projects throughout the village of Yorktown, and one project in particular he brought tonight for the Board's approval. He distributed handouts on a proposal to honor George Washington and the French allies through statuary to be placed in the plaza on the waterfront as a part of the revitalization project. He displayed for the Board the artist's rendition of the statues to be made of George Washington and Admiral DeGrasse, noting they would be made from welded steel coated to look like bronze. Mr. Garman introduced the artist, Syd Player, who is a local artist in the County, and he provided photos to the Board of the work she has done. He stated he feels this is an ideal way of expressing the County's appreciation to Washington and DeGrasse for their service, and the Foundation requests the Board's permission to go forward with the project. Mr. Garman indicated any surplus money for the statues and the statues themselves would be donated to the County upon their completion, and they would be completed before the 2006 celebration. The cost is approximately \$30,000 each, and the Foundation asked that the Board also contribute. He explained plans to go out to the county in general for donations, and Mr. Freeman made a presentation to the Yorktown Day Association and received strong support. The DAR will be taking the project proposal back to its national organization requesting support also. Mr. Garman stated there were numerous other political, patriotic, and governmental contacts they are planning to contact for support of the project, and he again requested permission to go forward with the Board in partnership.

Mr. Burgett asked how long the fundraising campaign would last.

Mr. Garman stated the Foundation is able to fund the beginning of the work, and in the first year it should have the funding for the entire project.

Mr. Burgett asked if the project was in conformity with the architect's plans for the Yorktown Revitalization project.

Mr. Garman indicated it was, that the landscape architect had been contacted with the proposal. He stated the size of the statues will be just a little larger than life size.

Mr. Burgett asked if the Foundation had determined how much it felt the County should contribute.

Mr. Garman noted if one of the statues costs \$30,000, the Foundation will stand behind that and would hope the Board would provide funding for the other. He stated if the Foundation raises more for the one statue, the overage would go toward the cost of the other statue.

Mrs. Noll indicated all participants at the Yorktown Day Association meeting were very enthusiastic about the project. She stated she would rather the County wait and see how the fundraising goes with the citizenry. She suggested that the Board not commit to a certain amount of money until after the fundraising campaign.

Mr. Zaremba asked why the statues are not being done life-size. He stated anything on the waterfront must be historically accurate. He suggested that before the Foundation commits to the project, it should make sure all the details are precise for the time.

Mr. Garman stated that one of the Foundation board members is a former historian for the Park Service, and he is researching everything down to the buttons on their coats.

Mr. Zaremba asked how the steel will hold up over time.

Mr. Garman noted the artist has some statues in Williamsburg that have been exposed for 20 years, and they have held up extremely well.

Mrs. Player indicated when she talked to the architect, he believed a pewter color would be complementary to the area. She stated the statues are sandblasted and galvanized, with a zinc coating, and a polyurethane coating. They will be very detailed, and from a distance it will not be noticeable that it is welded steel.

Mr. Zaremba stated he felt it was a great idea, but he agreed with Ms. Noll on the funding unless the Foundation had to have a large down payment up front.

Mr. Bowman asked how he will know what the statues are.

Mrs. Player explained the statues will be of Washington and DeGrasse meeting and preparing lists, and she noted there will be some sort of narrative provided.

Further discussion took place on the proposal and plans for landscaping around the statues.

Chairman Shepperd asked when the Foundation expected to need the County's help.

Mr. Garman stated he would provide the Board with a timeline for the project.

Chairman Shepperd expressed his concern regarding the material used for the statues, stating he did not want them to glow like a beacon.

Mrs. Player indicated the coloring will be the second to the last coating put on, and it may be a bronze. She noted it will be whatever is determined appropriate for the setting.

Chairman Shepperd spoke about the size of the statues, stating it is a historical depiction, and the size should be close to the real thing.

Mrs. Player stated they have decided on doing the statues life size. Regarding the landscaping, she noted the bushes will allow people to stand in front and be photographed with the statues without the people having to touch them.

By consensus the Board approved the Yorktown Foundation's concept proposal for the statues of Washington and DeGrasse to be placed on the plaza as a part of the waterfront revitalization project.

#### SUPPORT FOR LOCATION OF BASEBALL IN HAMPTON ROADS

Mr. McReynolds made a brief presentation explaining the purpose of proposed Resolution R04-85 to express the Board's support of efforts to bring major league baseball to the Hampton Roads area.

Chairman Shepperd noted the resolution is only to express support; no money is involved.

Mr. Zaremba stated that the citizens of York County have not supported these types of initiatives in the past and probably will not in the future. He stated he would not support the resolution.

Discussion followed on the possibility of a professional league coming to Hampton Roads.

Mrs. Noll moved the adoption of proposed Resolution R04-85 that reads:

A RESOLUTION IN SUPPORT OF EFFORTS TO BRING MAJOR  
LEAGUE BASEBALL TO THE HAMPTON ROADS AREA

WHEREAS, the Montreal Expos franchise is currently for sale, and the Hampton Roads area is the largest population center in the United States without a professional sports franchise; and

WHEREAS, the Major League Baseball franchise would bring significant revenues deriving from payroll, construction, and tourism, and;

WHEREAS, the Virginia Baseball Stadium Authority allows state taxes generated from the stadium site to be rebated to the Stadium Authority to sell bonds for stadium construction; and

WHEREAS, Major League Baseball has recognized the efforts of the Mayor and Council of the City of Norfolk, the Hampton Roads Partnership, and the Norfolk Baseball Company by sending a site selection committee to the area in consideration of the bid; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 11th day of May, 2004, that it does hereby support and endorse the effort to attract a Major League Baseball team to the Hampton Roads region and does hereby encourage its citizens and the business community of the region to do likewise.

On roll call the vote was:

Yea:	(4)	Noll, Bowman, Burgett, Shepperd
Nay:	(1)	Zaremba

REAL ESTATE ASSESSMENT

Mr. McReynolds indicated the presentation will discuss details of the assessment process and then show illustrations of supporting documentation. He stated he would then review customer service improvement efforts, organizational placement of the office, new plans for reporting status and results to the Board, options considered for independent review of procedures and results, and finally his recommendation for independent review. He pointed out that the County operation is in conformance with state code, and the County's local ordinances are consistent with state code.

Chairman Shepperd clarified that the information provided at this time will be made public.

Meeting Recessed: At 6:40 p.m. Chairman Shepperd declared a short recess due to technical difficulties.

Meeting Reconvened. At 6:46 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Marycarol White, Director of Financial and Management Services, presented the Board with the mission statement of the Real Estate Assessment Office and the major areas of responsibility to include the determination of valuation of real property; administration of the

Land Use Program; determination of valuation of Federal landholdings for impact aid purposes; damage assessment; and providing information to citizens and others. She noted the office personnel includes one assessor, four appraisers, one real estate technician, and one administrative assistant.

Discussion followed on the duties of each of the employees, the qualifications of the appraisers, and the difference between certification and licensure.

Mrs. White then reviewed the assessment process for residential property, which includes physical inspection of the property to determine condition of the property and to validate information in the database, the input of new data or changes into the database, evaluation of sales data for comparable properties, and determination of the assessed value for the property.

At this time the Board and staff discussed the physical inspection of the property and the concern that sometimes the only physical part of the inspection is when the structure is first built. It was noted by staff that they can only go inside a residence at the request and invitation of the property owner; therefore, assessments are done most of the time through exterior examination. The properties are measured from the exterior and compared to the plans. It was also noted that building permits are reviewed for add-ons, yet it is not an automatic process.

Mr. Gregory Thacker, York County Real Estate Assessor, provided information on the real property database which contains information concerning all real property in the County, sales data through the Commissioner of the Revenue, and geographic information on zoning, utilities, wetlands, topography, and aerial photography through Computer Support Services. He then reviewed the residential characteristics of real property that include location of the neighborhood, the location of property within a neighborhood, the quality of construction, the size of all improvements, the condition of all improvements, and amenities.

Discussion followed regarding the term "improvements" which was noted to mean any structure placed on the land. It was noted that the assessments provide separate values for "land and improvements." At this time discussion also took place concerning the damage from Hurricane Isabel and the impact on the assessments due to repairs or new construction. It was noted that although many people only had repairs to put their homes back in a pre-Isabel like condition, their assessments may have risen because the new materials used for the repairs made the structure more valuable than it was before the storm.

Mr. Thacker, using aerial photographs and samples of actual assessment documents, next explained the assessment process in a residential neighborhood and discussed the process for residential sales analysis which includes assigning all properties with neighborhood identifiers, looking at comparable land sales and identifying sales and assigning land value, and looking at comparable improved sales through their size, quality, condition of the comparable sales, and assigning values based on market activity.

Mr. Burgett expressed his concern regarding the sales value not being used as the assessment value. He stated he feels he is now being told something different than he was several weeks ago.

Chairman Shepperd also noted his concern and stated the Board needed to understand why a property is not assessed at its selling price.

Mr. Thacker explained that the staff is looking at all sales occurring in a neighborhood and not just one sale. If there had not been other sales in a particular neighborhood, the selling price would not have been adjusted to generate the assessment value.

Discussion followed on the samples provided and the calculations used for the assessments.

Mr. McReynolds explained that this piece of the assessment is to establish the market trends, and the trend is looking at the highs and lows and where the trend is moving. Then layered on top of this is the quality of the house, the amenities, and the upkeep of the house. He stated that when Mr. Thacker looked at all those factors, he said the market trend accounted for a

piece and then the quality accounted for a piece, and he decided that the quality couldn't justify the higher price.

Mr. Burgett stated the point is that a lending institution made a loan for the sale amount, and a fee appraiser said it was worth that much. Now the assessor is saying it is not worth the amount for which it was sold. He stated the County is downgrading this property.

Chairman Shepperd indicated that something is either wrong with the property or the assessment was not done correctly. From the layman's perspective this is an inconsistent assessment. He stated he sees an inconsistent approach on assessment based on this point.

Mr. Zaremba stated it might be consistent if the file was pulled, and the notes from the assessor on the more subjective things were reviewed and leveraged into the assessment.

Mrs. Noll asked if the assessor throws out the highs and lows regarding properties and their sales prices.

Mr. Thacker stated staff do not recognize some sales values. He then reviewed residential characteristics of waterfront properties and the characteristics for waterfront property improvements. He stated that sales are as varied as the properties themselves.

Discussion followed on how the assessor puts a value on a view.

Chairman Shepperd indicated the more subjective the information used, the more danger the County runs into regarding the assessments. He stated the trust of government is on the line.

Mr. McReynolds suggested that a better term like "position of lot" might be better.

Chairman Shepperd noted the subjective aspect makes it hard for people to understand.

Further discussion followed on subjectivity of the assessment information.

Mr. Thacker then reviewed the characteristics of commercial properties which include highest and best use; size, location, frontage, visibility, and access; zoning, utilities availability, and topography; quality and condition of improvements; and quality and durability of the income stream. He also reviewed commercial sales analysis process which addresses factors of comparable sales by property type, comparable highest and best use, and income and expense questionnaires.

Chairman Shepperd asked Mr. Thacker if he finds commercial property easier to appraise.

Mr. Thacker stated it is less subjective.

Mr. Bowman asked how the values of marinas are assessed.

Mr. Thacker stated the major marinas are easier due to significant income streams. He stated staff tries to look at it from the standpoint of what someone would pay for it if it was for sale.

Meeting Recessed. At 8:29 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:40 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba noted he had not heard anything from the commercial people, stating most complaints have been residential.

Chairman Shepperd noted that commercial assessments are easier to understand.

Mr. Burgett stated that commercial folks want their assessments to go up.

Mr. McReynolds then reviewed the efforts by staff regarding Customer Service improvements. He stated that customer service expectations have been reinforced, and all staff members of the Assessor's Office have attended "Delivering Exceptional Customer Service in the Public Sector" seminar. He stated other training will be provided, and the staff is providing the customer with customer service satisfaction surveys at the end of each customer visit. A routine review is made of the customer services feedback. He noted the staff is also planning on producing property confirmation forms to be sent out to the property owners.

Mr. Zaremba stated he had a number of constituents go into the Assessor's Office, and he has had positive remarks from them about the appraisers walking through their assessments with them.

Chairman Shepperd asked if the surveys had been started yet.

Mr. McReynolds indicated they had, and only a few have been received, but those received have been positive.

Chairman Shepperd stated customer service and accuracy of the assessments were the points the Board was looking at. He noted the surveys are important in that the Board wants to feel comfortable with the feedback.

Mr. McReynolds indicated staff is working on a reporting system to get the feedback to the Board on a routine basis. He then stated he was in the process of changing the direct reporting relationships for the division. He stated Mr. Thacker will report directly to him to facilitate communication and provide better management structure given the workload and provide better internal control.

Discussion followed concerning the budget process and its relationship to the assessment.

Mr. McReynolds then reviewed improvements designed to provide the Board with information on the assessment process, stating he proposed providing quarterly reports to the Board through June 30, 2005, and then monthly reports July through October, 2005. The contents of the report will include market trends, numbers of parcels assigned, reviewed to date, in process, and not started, as well as a timeline for milestones accomplished.

Chairman Shepperd questioned the need for a quarterly report.

Mrs. Noll stated she feels twice a year is sufficient.

Mr. Burgett suggested the Board see what it looks like and how much time and work it takes, and then the Board can make a determination.

Discussion followed on the timing of the reporting process and the contents of the report.

Chairman Shepperd indicated the Board would receive a report once a quarter and modify the timing as necessary.

Mr. Burgett indicated Mr. McReynolds should give the Board the reports he gets. There is no need for a separate report.

Chairman Shepperd stated it is important to him that Mr. McReynolds make his recommendations in a public setting so that everyone can hear them.

Mrs. Noll suggested Mr. McReynolds provide the information during County Administrator Reports; then the public hears it also.

Chairman Shepperd stated he wants the information on the assessment 6 months before the tax rate has to be set.

Mr. McReynolds stated that normally the Board would receive the assessment information in November, but the delay in assessment notices because of the hurricane necessitated a request for a 60-day delay. He then stated the Board has given staff direction to determine the best method to evaluate the procedures followed in the recent assessment and validate its accuracy. He noted that an independent audit should cost somewhere between \$15,000 and \$25,000 for an IAAO Audit. Another option is to use a Review Committee which could cost from \$20,000 to \$30,000. The state has a state sales ratio process which would cost nothing. Other consultants could cost from \$10,000 to \$30,000. He stated the results show that the County's assessments are just slightly below actual sales, although that does not confirm that the procedures used were correct. Mr. McReynolds recommended that staff proceed with an IAAO audit, the only independent group identified that has existing expertise and understanding of the mass appraisal process.

Mr. Burgett stated he sincerely believes the auditor will come back and say all the assessments are correct. He stated he would like to see the scope include discussion with residents of Quartermarsh, Piney Point, and others that were the problem areas. Also the audit should include residents from waterfront properties and senior citizens. He asked if the scope of the audit can be narrowed because 80 percent of the people had no complaints.

Mr. McReynolds stated the requirement could be added to the RFP process.

Mr. Bowman stated if the County is carrying out its practices properly and accurately, he would not support spending money to do this. He stated he personally would like to see what other communities' assessments in our geographical area are looking like for like properties. He indicated he would like to see locally what the other localities are doing and how they are comparing to York.

Mrs. Noll stated she felt that so many questions have been raised that the Board owes it to the staff to validate as well as point out areas that need improvement.

Mr. Bowman stated the problem areas are isolated or there would not have been the 98 percent ratio of accuracy. He noted he feels he already knows what the auditor will say, and the Board will probably get the same report for its money.

Discussion followed concerning state appraisals.

Chairman Shepperd indicated he, too, thinks the Board already knows the answer to what the audit will show. All the surrounding localities have the same problem with significant increases. Mr. Shepperd agreed that the Board has committed to the people to get an outside opinion, but he also agreed that the Board will be paying for something it already knows. He stated the only reason he will support the audit is that it may help the people who have concerns, and it may serve as a validation. Every two years there will be an assessment, and this will continue. He stated that eventually this will have to be addressed by adjusting the tax rate or have the General Assembly give provide York County with a homestead exemption.

Mr. Bowman suggested the Board start making its list now for the General Assembly.

Chairman Shepperd indicated to Mr. McReynolds that the sense of the Board is to follow his recommendation.

Mr. McReynolds noted staff will draft an RFP and circulate it to the Board members for comment. He stated he would then put it together with the Board's comments and send it out again to the Board and go from there.

**CLOSED MEETING.** At 9:37 p.m. Mr. Burgett moved that the Board convene in Closed Meeting pursuant to Section 2.2-3711(a)(7) of the Code of Virginia pertaining to meeting with legal counsel because of potential litigation.

On roll call the vote was:

May 11, 2004

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

Meeting Reconvened. At 9:49 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-  
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED  
SESSION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 11th day of May, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd  
Nay: (0)

Meeting Adjourned. At 9:51 p.m. Chairman Shepperd declared the meeting adjourned sine die.

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James O. McReynolds, Clerk  
York County Board of Supervisors

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Thomas G. Shepperd, Chairman  
York County Board of Supervisors